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## **Response to the New Disability Employment Services from 2018 Discussion Paper**



### About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability. The organisation’s motto is “nothing about us without us.” QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

This submission is informed by feedback from members. QDN has over 1400 members and supporters across Queensland. All of QDN’s voting members are people with disability.

### Value Statement on People with Disability

QDN’s work in providing feedback and input into systemic policy issues is based upon the organisation’s core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

* all people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society
* the place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens, where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents and their lived experiences of disability are recognised and acknowledged
* culturally and historically, people with disability are not afforded the same value, opportunities or access to community life
* any inclusion in community for people with disability is conditional and vulnerable to withdrawal
* many people with disability in Queensland are excluded from the most basic experiences of ordinary lives
* current exclusionary practices are unacceptable and must be challenged
* these issues affect not only people with disability but the whole community
* the responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

### QDN Consultation

Our submission is informed by the lived experience of QDN members with disability and key allies. Strategies for strengthening the new Disability Employment Services from 2018 have grown out of targeted consultation with members and allies in the timeframe available.

### Overview

QDN welcomes the opportunity to respond to the New Disability Employment Services from 2018 Discussion Paper. This builds on our input to the first and second round of the 2015 New Disability Employment Framework Consultation.

QDN acknowledges the legislative and policy environment put into place to improve employment outcomes for people with disability. There is however a significant way to go in order to create a system that is effective in finding appropriate long term employment solutions for people with disability. Given the current acceptance of the need to improve the outcomes and performance of Disability Employment Services (DES), it would be beneficial for Government to explore broader areas. Solutions that go beyond tinkering with funding and improvements to service models will better serve the needs of people with disability and minimise harm and disadvantage experienced.

Ensuring people with disability can participate economically in their communities through employment is contingent on access to affordable, accessible and appropriate housing, health services, education, transport and specialist disability services. Despite these prerequisites being out of scope for this consultation the impact of the NDIS, especially changes to mobility allowance for those eligible for NDIS, will disadvantage some DES participants. Changes to Australian Disability Enterprises and mutual obligations for DES participants are complex, interwoven issues that need consideration as they impact on how and whether people with disability can access new DES.

QDN was pleased to see some of our recommendations including increasing participant choice and control in the services they need incorporated into the current discussion paper. QDN is of the understanding from information provided by allies that there has been a short, limited trial around individualised funding undertaken already with a small cohort of inexperienced job seeks. QDN supports the Government’s commitment to more extensive trials of this process to ensure that decisions about legislative frameworks, implementation and operational guidelines are based upon a well-considered and well researched model. QDN allies inform us that consideration of individualised funding is no longer seen as viable due to a short trial with a small cohort of inexperienced job seekers, and support more extensive trials before unilaterally ruling out potential options that hold promise for some people.

A high level of knowledge of DES procedure is required to respond to the every component within the discussion paper. QDN’s submission only addresses those areas to which our members and allies have expertise.

**More Choice for Participants**

Participants need to choose their provider and to change their provider if unsatisfied, with funding following the participant and it is important that participant choice is not restricted to particular providers. The proposed voluntary transfer to a new provider of up to three times in the first twelve months of participation may be useful to avoid churn through. However, after 12 months this restriction should be removed entirely. A similar model of contractual ‘choice and control’ that is used between participants and providers in NDIS and Aged Care space could be considered as a model.

In order for people to have genuine choice some universal access requirements need to be met to ensure it is accessible for all people with disability including physical, intellectual, cognitive, neurological and sensory. For example, Auslan interpreter availability at all DES providers to allow deaf and hard of hearing people the same choice as other participants.

We support the proposal that should a participant not choose a provider, a Centrelink referral based process of choosing a provider based on combining performance, location and specialisation rather than the current practice of market share is more advantageous for participants.

**Provider/ Participant Contacts**

Apart from an initial face to face meeting, consideration should be given to limit the requirements to physically attend a DES office, and find innovative solutions to connect with participants. As part of the communication and engagement with participants, it is important that individuals are informed of any impacts on their mandatory participation requirements. Mode of contact and flexibility in relation to number of contacts must be based on meeting the needs of the participant and not the convenience of the DES provider. DES provider contact with other parties such as employers should be minimised without the presence or instruction from the participant for it to be considered a contact.

It is important to consider the impacts of other Commonwealth and State based policy changes around transport assistance. The current bill before the Senate to remove mobility allowance and changes to the Taxi Subsidy Scheme highlight that accessible and affordable transport is an enabler for people to participate in the workforce, including engagement with their DES provider. The additional barriers that people with disability experience with regards to available accessible transport, or adequate funding within an NDIS plan or Mobility Allowance need to be considered and a viable option to ensure adequate support that leads to pathways to employment are in place.

**Jobs Plans**

It is important for the job plan to extend beyond the mutual obligation requirements. It needs to be a living document that can change over time in accordance with the participants needs. Additionally, the Job Plan needs to be the DES providers written commitment of support to the participant for which the providers can be accountable for the quality and service delivery approach to achieve meaningful outcomes for people with disability.

DES staff need the skills to actively engage participants in the development of their job plan. This includes recognising that previous experience with cookie cutter job plans may interfere with participant motivation to engage, and may not recognise the unique abilities, skills, and needs of each individual. Throughout the process, the participant needs to be supported to identify their own areas of interest, capability, and skills, and engaging advocates and formal and informal support with the participant’s permission where appropriate. This will enhance the suitability of the Job Plan leading to outcomes which meet individual needs, and reflect individual buy in and ownership of the process.

It is QDN’s understanding that there is no current framework in the DES system for people with disability who are capable of and interested in working in professional roles. This may in part reflect the skills and qualifications of DES workers and low expectations society has of people with disability. There is no clear part of a DES plan that includes learning new skills other than those for entry level positions. People in higher level positions also need professional guidance and skill, or the workplace needs to be incentivised to provide this. Other innovative options for inclusion in the Job Plan such as paid work placements with councils or large businesses for participants who have yet to secure employment commensurate with their qualifications.

Additionally, people need to know about retirement planning, how to transition out of work when they are of retirement age and if this is not in scope for DES providers then this is an area that needs to have allocated responsibility. Along with the rest of the Australian population, the life expectancy for people with disability has increased due to better health care and medical intervention. There is a need for planning and support for people to transition to the next life stage after employment.

There needs to be a rigorous external independent complaints process to be able to ensure people with disability accessing DES services can exercise their rights, and appropriate processes are in place to deliver quality and responsibility. There is no current appropriate external independent body, however QDN recommends an ombudsman similar to the current model within health as one for consideration. Providing clear information around advocacy agencies and how they can be accessed with regards to DES services, available at the DES provider and the Department websites would be beneficial.

**Better Information for Participants**

Transparent information on outcomes is critical for participants to make informed decisions when choosing a DES provider. Provision of the proposed readily accessible information is supported.

Information on provider performance in achieving employment outcomes needs to be clearly presented and include details including the number of jobs, the types of jobs, duration of employment and specialization. Information on the number, nature and outcome of formal complaints in addition to participant comments/ratings on the website is encouraged.

Information provision needs to include phone and face-to-face options due to the digital divide some people with disability experience. Additionally, information needs to be printable and in easy English given some people find it difficult to read complex information online.

DES providers in a more open market are likely to be more diverse which will be reflected in the way they choose to engage participants. Whilst this versatility in marketing may be dynamic, responsive and suit the needs of different participants, it has the potential for inadvertently including false or misleading claims, and providing further barriers for people with disability. This could be ameliorated with DES providers required to link back to an accessible and user friendly government platform providing official information including questions for participants to assess whether claims are false or misleading.

**Participant Controlled Funding**

The principles of choice and control underpinning participant controlled funding under the NDIS should also apply in the employment sphere. There needs to be an assumption that people are competent and capable of making decisions about matters that impact them and that for some people support will need to be available to do so.

Given that participant controlled funding in employment would be new there would need to be optimal resourcing and support for both providers and participants to the change.

Currently some QDN members report a mismatch between what funds are spent on and the needs of DES participants such as training for courses that the participant is not interested in. Efficiencies could be created with prudent, targeted use of resources. This would be balanced by the need to build the capacity of some DES participants to develop the skills or confidence to determine the best use of their participant controlled funds.

Risk mitigation strategies used through NDIS and other state based and international participant controlled funding models in the health and disability spaces can offer solutions and frameworks for implementation. Use of participant controlled funds would need to be focused on meeting outcomes, however participants must not be held to a higher standard of account than DES providers in this regard.

**Entering the DES Market**

The current policy landscape in human services is favouring market based solutions, and DES being a market driven environment would fit with current Government direction. The context for provider regulation needs to be governed in a manner which enables providers who meet all the criteria to enter the market, and can do so at any time. However, current approaches with the NDIS implementation have still allowed for levers and interventions to prevent market failure, and ensure a thriving market exists to meet participant needs and demand. This approach could be considered with the DES market to develop market diversity and maturity.

Our ally, the Centrelink and disability discrimination legal centre Basic Rights Queensland raised the following concerns based upon feedback from clients and from DES employees relating to the nexus between social security and the disability employment system. It’s important to note that the problems they note arise from the system itself, how it interacts and the lack of integration across services and systems.

To assist on the entry pathway within the DES market, it is essential that the roles, responsibilities and relationships of DES providers, Centrelink and Department of Social Services are clear and defined. Feedback to QDN at present indicates that there is lack of clarity by DES and Centrelink about each other’s roles and responsibilities, and who has delegated authority to determine if a participant is able to exit the DES environment/services. This is particularly confusing for participants who are seeking support and ways of achieving outcomes which may or may not be able to be achieved due to complex factors. It also impacts upon communication between Centrelink and DES providers, resulting in clients/ participants getting stuck in the middle, not knowing who is responsible for what. This leads to frustration and the sense of a lack of control. It is important that DES workers have a clear working understanding of the Disability Support Pension (DSP), in particular the program of support. The feedback QDN has received indicates that a lack of understanding about these rules have led to participants being misinformed, with potential negative impacts.

It is also important for DES workers to know rules in regards to exiting a participant from a DES. Feedback that QDN has received suggests that some participants are referred to another DES provider when the first service is unable to achieve a suitable outcome rather than exiting the participant from their service. Participants report being told “there’s nothing we can do for you but Centrelink says you have to keep coming”.

DES participants’ rights need to be protected; people need to have accessible information about their rights, and a clear and accessible process for DES participants to challenge decisions made about them. Information for participants needs to be clear that they may transfer to another DES if they believe they can access more appropriate support through another service and this process needs to be simple.

All people with disability who want to access DES for assistance to find work should be able to do so. Currently, people who are assessed as having 0-7 hours work capacity, are precluded from participating in a DES. This impacts negatively on people who want to participate and the potential benefits of DES participation is not realized.

**Removing Market Share Restrictions**

Ensuring universal coverage in an Employment Service Areas (ESA) is integral to ensure participants are not disadvantaged based on their geographical location. Reducing the number of ESAs to align with local labour market regions and Jobactive programs as proposed would allow for data comparisons over time. However, this may impact upon a DES provider’s capacity to service these larger regions. If a reduction happens, participants still need to be able to choose DES providers outside their ESA.

**Ratio Between Service Fees and Outcome Fees**

From the perspective of people with disability, it is essential there is access to a diverse and mature market. Quality services that deliver outcomes and meet individual needs across disability is required. Strategies and interventions to build provider and sector capacity, as well as participant capacity to engage in a new service system are important to supporting a thriving market and service availability. A strong quality and safeguarding system is also important to deliver positive services and outcomes, as it is important that people with disability are not forced to accept a ‘market’ but experience quality service to assist them move to employment outcomes.

Additionally, interventions which target changing employer behaviour with regards to employment of people with disability in the workplace is also important is promoting employment outcomes for this group.

There should be an emphasis and link with regards to fees for outcomes. However, the needs and complexity of supports for people with disability needs to be considered, and balanced with the resources required to support the participant gain an employment outcome.

**4-week and 52-week Outcome Payments**

An employment outcome under DES should not be less than 3-6 months, otherwise this potentially could only be considered as work experience. QDN believes that long term employment outcomes are achievable for people with disability. Conversely it is important to recognise that many jobs in the current market are short term and project based so there needs to be some flexibility.

Review and support for participants at 26 weeks may need intense ramp up or down. This is due to changes in the workplace, the participant no longer being considered new and therefore there may be additional requirements for support or training. Flexibility is the key. It is important DES don’t assume that support needs to ease off after 6 months for all people. Support may be light, but needs to be constant or at least consistent.

**Pro-rata Service and Outcome Fees**

It is important that there is an emphasis on outcome fees however there needs to be sufficient funds allocated up front to overcome barriers to employment. QDN agrees that the service fee funding should follow the participant and be paid pro-rata based on the number of days the participant spends at each provider. In the event that a provider ceases to be a member of the panel then pro-rata service fee should still apply.

The funding model should specify minimum contacts and hours of support as per the participant’s job plan. A risk adjusted outcome fee has the potential to cover a thin market and achieve greater outcomes in the long term however it is currently untested. A six to twelve-month trial to ascertain the optimum levels of funding required is useful strategy prior to this investment.

**Jobs in Jeopardy**

Reasonable adjustments can alleviate or minimise issues before a problem arises. A useful strategy of increasing employer awareness of reasonable adjustments along with increased awareness of Jobs in Jeopardy could be considered. Changing the program name to something more proactive may send the message that it is useful to utilise before a crisis situation occurs.

The DES provider can talk to talk through with the participant the benefits and risks of disclosure. The DES provider can talk to employer about reasonable adjustments in a general manner provided this does not impinge on the participant’s privacy. Disclosure should always be the participant’s choice. The DES providers must be respectful of their decision. DES provider needs to develop strategies to help the participant. The DES provider could talk to the employer in general terms about strategies if the participant is not willing to disclose. Over time the participant may develop more confidence in the employer or future employers if they experience a positive response. Conversely reviewing a negative outcome may lead to consideration of benefits of disclosure in the future.

The Jobs in Jeopardy programme is best to remain separate in order for it not to get lost in ongoing support. Funding for this program needs to be commensurate with the amount of effort invested with an employer.

### Conclusion

QDN supports actions which deliver employment outcomes and long term sustainable employment for people with disability. Within the DES framework, it is important that services delivered are able to meet the diverse needs of people with disability, and achieve quality outcomes. QDN believes it is important that the shift supports cultural change, builds inclusive workplaces and delivers improved employment support to people with disability. Choice and control is an important element of a market environment, and it is important that consideration is given to how the participant interacts in this marketplace, and the need for sector and individual capacity building in this transition to a changed environment.